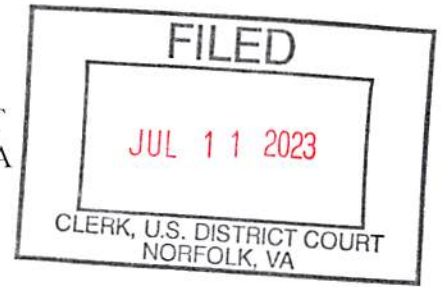


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



IN THE MATTER OF THE ISSUANCE
OF A CRIMINAL COMPLAINT AND
ARREST WARRANT RE:

FORREST CALVIN BURRELL III

Case No. 2:23-mj- 144

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Kevin Hand, being duly sworn, hereby depose and state:

EXPERIENCE AND TRAINING

1. I am currently employed as a Detective with the Police Department in the City of Virginia Beach, Virginia and am cross-designated as a Customs Officer with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI). I have been employed with the City of Virginia Beach since January 11th, 1999, and, since March of 2019, have been assigned to the Detective Bureau-Special Investigations, Internet Crimes Against Children Task Force. Since joining the Virginia Beach Police Department in 1999, I have investigated various violations of law ranging from traffic violations to violations of law involving the sexual abuse and exploitation of children. I have been the lead investigator for numerous criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252 and 2252A. I have received training in the area of child pornography/CSAM (Child Sexual Abuse Material) and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256(8)) in all forms of media, including computer media. The statements contained in this Affidavit are based on my experience and background as a special agent and on information provided by other law enforcement agents.

2. As such, I am an "investigative or law enforcement officer of the United States" within the meaning of 18 U.S.C. § 2510(7). That is, I am an officer of the United States, empowered by law to conduct investigations regarding violations of United States law, to execute warrants issued under the authority of the United States, and to make arrests of the offenses enumerated in, among others, 18 U.S.C. §§ 2252 and 2252A. In the course of my duties, I am responsible for investigating crimes which include, but are not limited to, child exploitation and child pornography.

3. The information set forth in this affidavit is known to me as a result of an investigation personally conducted by your Affiant and other law enforcement agents. Thus, the statements in this affidavit are based in part on information provided by Special Agents and other employees of HSI, as well as other investigators employed by federal or state governments.

4. This affidavit contains a probable cause statement to support the issuance of an arrest warrant for the violation alleged and does not contain all the information known to this affiant regarding the defendant. Based upon my experience and training, this affidavit is being made in support of a criminal complaint charging **FORREST CALVIN BURRELL III**, with distribution of images depicting minors engaging in sexually explicit minors conduct, in violation of 18 U.S.C. § 2252(a)(2).

PERTINENT FEDERAL CRIMINAL STATUTES

5. 18 U.S.C. § 2252(a)(2) prohibits a person from knowingly receiving or distributing, using any means or facility of interstate or foreign commerce or that has been mailed, shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed, shipped or transported, by any means including by computer, or knowingly reproduces any visual depiction for distribution using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or through the mails, any visual depiction of minors engaging in sexually explicit conduct.

STATEMENT OF FACTS

6. On May 6, 2022, MediaLab.ai, Inc., reported to the National Center for Missing and Exploited Children (NCMEC) that Kik account “lolibeast,” was associated with the uploading of forty-one files of suspected child pornography to the internet between the dates of April 3, 2022, and April 17, 2022. The report was identified as CyberTipLine report 124127339 and contained the suspected files of child pornography, the IP (Internet Protocol) addresses associated with account log-ins and the IPs associated with the uploading of the suspected files. Several of the IP addresses associated with account were geo-located to the City of Virginia Beach and the report was forwarded by NCMEC to the Virginia Beach Police Department for further review.

7. This Affiant, Detective KM Hand, reviewed the report and found there were numerous files of suspected child pornography associated with the Kik account. One file was a video file depicting a nude prepubescent female, approximately eight-to-ten years of age, performing oral sodomy on an adult male. This file was uploaded to the internet on April 3, 2022, from IP address **70.104.160.53**. A second file uploaded on April 3, 2022, by IP address **70.104.160.53** was a video file depicting a prepubescent female standing on her head with her anus and vagina exposed for the camera.

8. This Affiant determined Verizon FIOS to be the ISP (Internet Service Provider) for IP address **70.104.160.53**. On November 18, 2022, this Affiant obtained an administrative subpoena to obtain subscriber information to who leased the IP address

70.104.160.53. Verizon FIOS identified the customer to be **FORREST BURRELL** of 5432 Trumpet Vine CT, Virginia Beach, VA 23462.

9. Additionally, the report included IP address **184.183.72.89** as an account login on May 3, 2022. This Affiant determined Cox Communications to be the ISP for the IP address **184.183.72.89**. On November 18, 2022, this Affiant obtained an administrative subpoena to obtain subscriber information to who leased the IP address. Cox Communications identified the customer to be Lionheart Ltd DbA Burger King with an address of 2708 North Mall Dr, Virginia Beach, VA 23452.

10. Your Affiant found in the law enforcement database a **FORREST CALVIN BURRELL III** with an associated address of 5432 Trumpet Vine Ct in the City of Virginia Beach with a date of birth of November 5, 1998 and a SSN of XXX-XX-0650. This Affiant referenced the Virginia Department of Motor Vehicles (DMV) and found that a **FORREST CALVIN BURRELL III** with the same date of birth and SSN was listed with the Virginia DMV with the address of 5432 Trumpet Vine CT in the City of Virginia Beach. This Affiant referenced the VEC (Virginia Employment Commission) and found **FORREST CALVIN BURRELL III** to be currently employed with Lionheart LTD, a company known to manage Burger King Restaurants.

11. This Affiant and other members of law enforcement conducted physical surveillance of 5432 Trumpet Vine Court from January 17, 2023, to January 27, 2023. During this timeframe, your Affiant consistently observed a white Toyota four door bearing Virginia license UGZ4844 parked in the driveway of the residence. A VA DMV check revealed the vehicle registered owner to be Savannah Mae Cutshall of 5432 Trumpet Vine CT, Virginia Beach, VA 23462. Your Affiant has observed a black male subject leaving and returning to the residence in this vehicle. The appearance of the black male was consistent with **FORREST CALVIN BURRELL III**'s DMV photo.

12. Additionally, this Affiant and other members of law enforcement have observed the ford pickup truck bearing VA license VZV6386 registered to **FORREST CALVIN BURRELL III** parked at the residence. This Affiant has observed a black male subject leaving the residence in this vehicle. The appearance of the black male subject was consistent with descriptors provided by Virginia DMV for **FORREST CALVIN BURRELL III**.

13. On January 31, 2023, members of the Virginia Beach Police Department executed a state search warrant issued by the state court in Virginia Beach for the residence of 5432 Trumpet Vine Court in the City of Virginia Beach and **BURRELL** was located inside the residence. Your Affiant prior to any questioning, provided **BURRELL** his Miranda Rights and **BURRELL** agreed to speak with your Affiant and answer questions. **BURRELL** admitted to using the Kik application to chat with underage people and sending younger aged pornography in chat groups. **BURRELL**'s phone was located inside the residence during the execution of the search warrant. **BURRELL** admitted there would have been younger aged pornography on his phone.

14. Forensic Analysis of **BURRELL**'s cellphone was conducted by a forensic examiner and the result of the examination produced numerous video and image files of child pornography/CSAM. Several of the CSAM files located on the phone were the same video files submitted by MediaLab.ai, Inc to have been associated with the KIK account "lolibeast".

15. Based on the above facts, I believe probable cause exists to charge that between on or about the dates April 3, 2022, through April 17, 2022, **FORREST CALVIN BURRELL III** knowingly distributed, using a means or facility of interstate or foreign commerce or that has been mailed, shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed, shipped or transported, by any means including by computer, a visual depiction of minors engaging in sexually explicit conduct, in violation of 18 U.S.C. § 2252(a)(2).



Detective/TFO Kevin Hand
TFO, Homeland Security Investigations

Sworn and subscribed to before me this 11th day of July 2023, in the City of Norfolk



UNITED STATES MAGISTRATE JUDGE